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Operating Engineers Local Union No. 3 Trust Funds - Multi-Services
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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
(OAKLAND DIVISION)

GIL CROSTHWAITE, RUSS BURNS in their) Case No.: C 06-07420 MHP
respective capacities as Trustees of the)
OPERATING ENGINEERS HEALTH AND) **STIPULATION TO DISMISS ACTION;**
WELFARE TRUST FUND FOR) **ORDER THEREON**
NORTHERN CALIFORNIA et al.,)

Plaintiffs,
vs.

NORMAN B. HOUGE, INC. et al.,
Defendants.

Plaintiffs GIL CROSTHWAITE and RUSS BURNS, in their respective capacities as
Trustees of the OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR
NORTHERN CALIFORNIA; PENSION TRUST FUND FOR OPERATING ENGINEERS;
PENSIONED OPERATING ENGINEERS HEALTH AND WELFARE FUND; OPERATING
ENGINEERS AND PARTICIPATING EMPLOYERS PRE-APPRENTICESHIP,
APPRENTICE AND JOURNEYMEN AFFIRMATIVE ACTION TRAINING FUND;
OPERATING ENGINEERS VACATION AND HOLIDAY PLAN; OPERATING
ENGINEERS CONTRACT ADMINISTRATION TRUST FUND; OPERATING ENGINEERS

STIPULATION TO DISMISS ACTION; [PROPOSED] ORDER THEREON;
Case No.: C 06-07420 PJH

1 MARKET PRESERVATION TRUST FUND; OPERATING ENGINEERS INDUSTRY
2 STABILIZATION TRUST FUND; BUSINESS DEVELOPMENT TRUST FUND; and HEAVY
3 AND HIGHWAY COMMITTEE ("Operating Engineers Trust Funds") and Defendants
4 NORMAN B. HOUGE, INC., DAVID NORMAN HOUGE and INTERNATIONAL FIDELITY
5 INSURANCE COMPANY ("Defendants") stipulate and agree to the following:

6 1. The Operating Engineers Trust Funds and Defendants NORMAN B. HOUGE, INC.,
7 DAVID NORMAN HOUGE executed a Settlement Agreement in order to resolve the above-
8 captioned proceeding.

9 2. In light of the Settlement Agreement, the above-captioned matter is dismissed with
10 prejudice pursuant to Federal Rule of Procedure 41(a) (1) as to all Defendants.

11 3. Each party will bear their own attorneys' fees and costs relating to this proceeding.

12 4. The Court will retain jurisdiction over the above-captioned proceeding to enforce the
13 terms of the Settlement Agreement referenced in paragraph 1 above.

14 Respectfully submitted,

15 Dated: 04/30/07

16 SWEENEY, MASON, WILSON &
17 BOSOMWORTH

18 By: 

Roger M. Mason

Attorneys for Defendants

19 NORMAN B. HOUGE, INC.; DAVID
20 NORMAN HOUGE; and INTERNATIONAL
FIDELITY INSURANCE COMPANY

21 Dated: 4/30/07

22 By: 

Tracy L. Mainguy

23 Attorney for Plaintiffs OPERATING
24 ENGINEERS LOCAL UNION NO. 3 TRUST
25 FUNDS

STIPULATION TO DISMISS ACTION; [PROPOSED] ORDER THEREON;
Case No.: C 06-07420 PJH

ORDER

Based upon the above-stated stipulation for dismissal of action with prejudice and pursuant to Federal Rule of Civil Procedure 41(a) (1), this action is dismissed with prejudice as to all Defendants. Each party will bear their own attorneys' fees and costs to relating to this proceeding. The Court retains jurisdiction to enforce the terms of the Settlement Agreement executed by the Operating Engineers Trust Funds and Defendants NORMAN B. HOUGE, INC. and DAVID NORMAN HOUGE to resolve the above-captioned proceeding.

Dated: 5/2/2007

